

**TOWN OF NEEDHAM  
CONSERVATION COMMISSION  
MEETING MINUTES  
Thursday, NOVEMBER 20, 2014**

LOCATION: Needham Public Library, Community Room

ATTENDING: Paul Alpert (Chair), Janet Carter Bernardo, Stephen Farr, Peter Oehlkers, Cory Rhoades, Sharon Soltzberg, Matt Varrell (Director of Conservation), Debbie Anderson (Conservation Specialist)

GUESTS: Patricia Carey, Matthew Coll, Rebecca Coll, Bill Conroy, Tony DelGaizo, Kate Fitzpatrick, Rick Harding, Michael Juliano, Jim Murphy, Kevin Murphy, Kathleen Powers

J. Carter Bernardo opened the public meeting at 7:36pm.

**MINUTES:**

*Motion to approve the minutes of November 6, 2014 (as amended), by*

*S. Soltzberg, seconded by Cory Rhoades, approved 4-0-2, S. Farr and P. Oehlkers abstained*

**OTHER BUSINESS**

**EAGLE SCOUT PROJECT PROPOSAL & TRAIL MAINTENANCE ACTIVITY  
NOTIFICATION – KEVIN MURPHY**

Kevin Murphy explained that he is working to complete his “Eagle” project. His proposed project is to replace a bridge on the Charles River Trail at Ridge Hill that is in a state of disrepair and is located between trail markers 27 & 28. He would like to raise the new bridge on gravel filled cinder blocks on the shore to keep it from sinking into the ground as the current log base does, as well as keep the bridge above the springtime high flows in the channel. M. Varrell explained that the project should be allowable under the Town’s Negative Determination of Applicability, Trail Maintenance Activity Notification mechanism.

S. Farr inquired if the lumber proposed for the bridge would be regular or pressure-treated. M. Varrell confirmed that pressure-treated lumber would be preferable. Kevin Murphy stated there would be 5-20 volunteers working on the project per day. Access would be from the trailhead and they would have to walk the materials in and it would take 15-20 minutes. As an alternative, there are two private driveways that would shorten the walking necessary to 5 minutes if the scouts can get permission to gain access from the homeowners. M. Varrell stated he had contacted the homeowners and had a favorable response from one and an unfavorable response from the other. He suggested Kevin write the homeowner a letter explaining the project and follow up with a phone call in hopes of gaining access. J. Carter Bernardo asked that Kevin contact M. Varrell prior to starting the project so he could meet them on-site during the project.

*Motion to accept and approve the replacement of the bridge on the Charles River Trail at Ridge Hill as presented by Kevin Murphy under the Generic Trail Maintenance Permit by S. Soltzberg, seconded by C. Rhoades, approved 6-0-0.*

**ENFORCEMENT & VIOLATION UPDATES:**

**1302 SOUTH STREET – (DEP FILE #234-627)**

The homeowner’s Matthew and Rebecca Coll were in attendance. M. Varrell stated he had conducted a site visit during a recent rain event. He noted the majority of the runoff from the driveway sheet flows down the side of the driveway further away from the wetlands. However, the runoff eventually enters the catch basin within South Street, discharging to the wetland. M. Varrell pointed out that gravel from the

previously un-paved driveway would most likely have ended up in the wetlands through the catch basin so perhaps the un-permitted driveway paving could have positive results in this case.

The Order had allowed for the removal of an existing detached garage located at the top of the driveway. The homeowner installed stone pavers cemented in place in the area of the former garage. The pavers increase the impervious area in the Buffer Zone, including the 25-foot Buffer Zone. P. Alpert stated the paved driveway is not creating a problem but noted the process must still be followed. He instructed the homeowners to request an Amendment to the existing Order of Conditions reflecting current conditions. He explained that as work had been done in the 25-foot Buffer Zone, the homeowners will need to file a Request for a Waiver for work in the 25-foot Buffer Zone but will not be required to pay the \$1000 Waiver fee. S. Solzberg asked if the homeowner's spray the hemlock trees for insects and what product they use. The homeowner's were not positive of the product used. S. Soltzberg suggested they consider using "Dormant Oil" as they are close to the wetlands.

## **10-12 CHARLES STREET**

The owner, Kathleen Powers, and her representative Mike Juliano were present. M. Juliano stated that he had met with M. Varrell in October to get an idea of what information was needed for the after-the-fact Notice of Intent filing. He stated that the work consisted of overlaying the existing pavement by approximately 1.5 inches. The work was prompted due to a request from the Zoning Board of Appeals to add parking space "stripes" to define the spaces. The entire area is paved with the exception of an approximately 10-foot vegetated strip adjacent to the river. An earthen berm is located adjacent to the river and currently all the stormwater from the site, including the roof runoff, drains to one low spot of the berm and into the river.

M. Juliano asked for confirmation that the wetlands will need to be delineated. The Commission confirmed a delineation was required. He noted the wetland resources applicable were the 200-foot Riverfront Area, Bordering Land Subject to Flooding and the 100-foot Buffer Zone to Bordering Vegetated Wetlands. He explained the area will need to be mapped to determine exactly how much Bordering Land Subject to Flooding occurs on the site. He discussed possible mitigation strategies, including installation of a catch basin where the current water discharges to the river. J. Carter Bernardo stated a catch basin will only create a direct discharge point and suggested they look into creating a rain garden if space permits. M. Varrell asked if there is an opportunity to remove any pavement to create a better treatment option. K. Powers explained that a tenant had moved into the back of their space and the ZBA required a certain number of parking spaces be available for that business, so removal of pavement would result in issues with the ZBA.

J. Carter Bernardo stated the Commission is looking for an improvement over existing conditions including keeping sediment from entering the river at this site. M. Juliano stated that he believes a catch basin will have to be part of the plan and there isn't room for anything else. M. Varrell suggested instituting and following a more formal Operations and Maintenance Plan would help by getting the sediment off the pavement prior to discharge through the catch basins. J. Carter Bernardo will visit the site to get a better understanding of the site constraints.

P. Alpert recalled M. Varrell describing a white substance leaking from a dumpster at the site. M. Varrell reiterated his observation. J. Carter Bernardo pointed out that other businesses on Charles Street had come before the Commission prior to paving and had managed to improve existing conditions and she wants to make sure everyone is treated equally. P. Alpert asked what the Applicant's timeline for submittal is. M. Juliano stated they will file by the deadline to be on the February 12<sup>th</sup> meeting agenda.

## **HEARINGS**

### **BAY COLONY RAIL TRAIL – REQUEST FOR DETERMINATION OF APPLICABILITY**

Applicant: Town of Needham, Town Manager's Office

Owner: Massachusetts Bay Transportation Authority (leased by the Town of Needham)

Project: Construction of the Bay Colony Rail Trail on the existing railbed between High Rock Street and the Charles River. Portions of the work are proposed to occur within the 100-foot Buffer Zone to Bordering Vegetated Wetlands, Bank and locally regulated Vernal Pool. All the work is confined to disturbed areas of the existing railbed. Work will include the removal of existing rails and ties and re grading the cross-sectional surface to provide a stable trail surface consisting of stone dust. The improved surface will generally be 10-feet wide with 1-foot transitions on each side to existing vegetated areas. An erosion control barrier is proposed in areas near existing culverts, the Charles River, and vernal pools. No mature vegetation is proposed for removal as part of this project.

Present for the Applicant: Kate Fitzpatrick, Town Manager; Anthony DelGaizo, Town Engineer; Patricia Carey, Director of Parks & Recreation

Supporting Documents include:

- ❑ Request for Determination of Applicability and supporting documents, received November 6, 2014
- ❑ Needham Wetlands Protection Bylaw Application for Permit, received November 6, 2014
- ❑ Plans entitled "Town of Needham, Proposed Bay Colony Rail Trail" (Cover and Sheets 1-7), dated November 6, 2014

P. Alpert opened the Public Hearing at 7:45 p.m. Anthony DelGaizo described the engineering portion of the proposed project.

- The rail trail runs from High Rock Street to the Charles River.
- There are several locations along the railbed where wetlands, intermittent streams and/or vernal pools exist.
- A 3.5-foot tall wooden guardrail will be installed in areas where there is a steep embankment on the adjacent land.
- The trail will be 10-feet wide and the design is patterned after the Holliston rail trail.
- Existing railroad crossing signs will be re-purposed at road crossings to advise motorists of the rail trail.
- The existing culverts were installed when the railway was constructed. There is no plan to change the existing culverts or the slopes around them. Erosion controls will be installed in these areas.
- Where the trail ends at the Charles River, a wooden guardrail will be placed across the end of the existing bridge to deter people from crossing the bridge.

Comments from the Commission:

- J. Carter Bernardo asked how much disturbance will occur as a result of the removal of the rails and ties. T. DelGaizo replied that a machine on the track will pull up a section of rail and place it in the back of the machine and move to the next rail.
- J. Carter Bernardo questioned if MassDEP would have any issue with the work being approved under a Request for Determination of Applicability as opposed to a Notice of Intent filing. M. Varrell explained that the work is redevelopment and the track had been active until fairly recently. He added that in Holliston several sections of the rail trail had been permitted through the RDA process.
- P. Alpert questioned whether any work would occur within the 25-foot Buffer Zone. T. DelGaizo indicated that the areas where the wooden guardrails would be installed would expand the limit of work out 18-inches to a couple of feet. Portions of the proposed work will occur within the 25-foot Buffer Zone.

M. Varrell gave an overview of the project from a wetland resource perspective:

- The wetland resources were not formally delineated. However, M. Varrell and D. Anderson did inspect the entire length of the work area and estimated the limits of wetland resources by following a GIS map and compiling more detailed resource area locations from the site walk onto a sketch submitted to the Engineering Department. This sketch is depicted on the plan set.
- The proposed erosion control locations were strategically placed in more sensitive locations such as near culverts and vernal pools.
- No wetlands are located near the proposed likely staging area between Charles River Street and Fisher Street.

Comments from the public:

Bill Conroy of 186 Fisher Street:

- Mr. Conroy asked if there had been any testing done for contaminated materials. Tony DelGaizo replied that MassDEP had put out a guidance document related to rails to trails projects. The railroad ties, which are to be removed, are a potential source of contaminants. In its guidance document, DEP recommends installing cover material over existing ballast to create a barrier from water entering the ballast and to prevent any potential contaminants from migrating.
- Mr. Conroy asked if the trail would turn pervious area into impervious area and affect abutters through flooding. Tony DelGaizo stated the rain will act on the surface as it does currently and will not affect the neighbors.
- Mr. Conroy questioned where the access for the project would occur. T. DelGaizo stated no access will be through private property. Conroy asked if parking would take place on Fisher Street. T. DelGaizo stated none is proposed at this time.

Rick Harding of 1347 South Street:

- Mr. Harding is in favor of the rail trail but wanted to point out an area off of Fisher Street that is an active turtle nesting area. Any proposed future staging or parking area located near the turtle nesting area may be harmful. M. Varrell will follow up and get more information from Mr. Harding.

***Motion to close the public hearing for 0 Railroad Street (Bay Colony Rail Trail), by S. Soltzberg, seconded by S. Farr, approved 6-0-0.***

***Motion to waive the 25-foot Buffer Zone requirements for 0 Railroad Street (Bay Colony Rail Trail), by J. Carter Bernardo, seconded by S. Farr, approved 6-0-0.***

***Motion to issue a Negative Determination of Applicability with several special conditions for 0 Railroad Street (Bay Colony Rail Trail), by J. Carter Bernardo, seconded by S. Farr, approved 6-0-0.***

***Motion to adjourn the meeting by S. Soltzberg, seconded by C. Rhoades, approved 6-0-0.***

***The meeting was adjourned at 9:12 pm.***

**NEXT PUBLIC HEARING**

***Thursday, December 11, 2014 at 7:30 PM in the Public Services Administration Building, Charles River Room.***